

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. 02-136
Table of Allotments,) RM-10458
FM Broadcast Stations.) RM-10663
(Arlington, The Dalles, Moro, Fossil, Astoria,) RM-10667
Gladstone, Portland, Tillamook, Springfield-Eugene,) RM-10668
Coos Bay, Manzanita and Hermiston, Oregon, and)
Covington, Trout Lake, Shoreline, Bellingham,)
Forks, Hoquiam, Aberdeen, Walla Walla, Kent,)
College Place, Long Beach, and Ilwaco,)
Washington))

ORDER TO SHOW CAUSE

Adopted: March 10, 2004

Released: March 12, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Counterproposal filed by Triple Bogey, LLC; MCC Radio, LLC; and KDUX Acquisition, LLC (collectively, "Counterpetitioners"),¹ in response to the *Notice of Proposed Rule Making* ("Notice") in this proceeding.² The Counterproposal requests that Channel 283C2 be substituted for 284C2, Station KDUX-FM, Aberdeen, Washington, and that Station KDUX-FM be reallocated from Aberdeen to Shoreline, Washington, which would provide Shoreline with its first local aural transmission service. The proposal to allot Channel 283C2 at Shoreline is mutually exclusive with the Notice's proposed reallocation of Channel 283C3, Station KMCQ(FM), The Dalles, Oregon, to Covington, Washington.³ To accommodate the foregoing allotment of Channel 283C2 at Shoreline, Counterpetitioners request that Channel 281C be substituted for Channel 282C at Station KAFE(FM) ("KAFF"), Bellingham, Washington. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Saga Broadcasting, Corp. ("Saga"), the licensee of Station KAFE, Bellingham, Washington.

¹ MCC Radio, LLC ("MCC") is the licensee of, *inter alia*, Station KDUX-FM, Aberdeen, Washington, and Station KXXX(FM), Hoquiam, Washington. MCC and Triple Bogey, LLC ("Triple Bogey") have formed KDUX Acquisition, LLC ("KA"). Under an agreement between MCC and Triple Bogey, if MCC receives a construction permit to relocate Station KDUX-FM to Shoreline, pursuant to adoption of the Counterpetitioners' proposal herein, Triple Bogey has the option to require MCC, upon grant of an assignment application, to assign Station KDUX-FM to KA.

² *Arlington, The Dalles, and Moro, Oregon, and Covington and Trout Lake, Washington*, 17 FCC Rcd 10678 (MB 2002).

³ In addition, the Counterpetitioners' proposed allotment of Channel 285A at Fossil conflicts with the Notice's proposed allotment of Channel 283C1 at Moro.

2. In order to proceed with our analysis of the Counterpetitioners' Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this *Order to Show Cause* directed to Saga to show cause why its Station KAFE license should not be modified to specify operation on Channel 281C in lieu of Channel 282C at Bellingham, Washington. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁴ In this instance, the substitution of Channel 281C for Channel 282C at Bellingham, Washington, will accommodate the reallocation of Channel 283C2 to Shoreline, Oregon, as Shoreline's first local aural transmission service. We consider this provision of a first local service to Shoreline to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KAFE license at Bellingham, Washington, can be modified to specify operation on Channel 281C at its currently authorized transmitter site.⁵ The Canadian Government has not agreed to unlimited Class C operation on Channel 281 at that site. Instead, Channel 281C would be a specially negotiated short-spaced allotment limited to 49.2 kilowatts ERP at 600 meters HAAT, or the equivalent, along the 314.6 degree azimuth toward Channel 280A at Powell River, British Columbia, and 58.2 kilowatts ERP at 600 meters HAAT, or the equivalent, along the 0.4 degree azimuth toward Channel 281A at Bralorne, British Columbia. These power restrictions are consistent with the agreement between Saga and the Joint Petitioners⁶ in this proceeding looking toward the reallocation of Channel 283C2 to Kent, Washington. In view of this prior agreement, it will be necessary for Saga and Joint Petitioners to disclose the consideration that Saga is to receive under the agreement for the modification of the Station KAFE facilities. It also will be necessary for the Counterpetitioners to state whether they would pay Saga this same consideration to permit the Shoreline reallocation. At this juncture, Counterpetitioners have only agreed to reimburse Saga for the reasonable costs incurred by Saga in changing Station KAFE's facilities to effectuate the change of channel and in acquiring, installing and adjusting the new Station KAFE antenna. If Counterpetitioners agree to this additional consideration, Saga is required to show why the required modifications to the station KAFE facilities should not be implemented.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Saga Broadcasting Corp., licensee of Station KAFE(FM), Bellingham, Washington, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 281C in lieu of Channel 282C.

5. Pursuant to Section 1.87 of the Commission's Rules, Saga Broadcasting Corp., may, no later than April 26, 2004, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁵ The reference coordinates for Channel 281C at Bellingham, Washington, are 48-40-48 NL and 122-50-24 WL.

⁶ Mid-Columbia Broadcasting, Inc., First Broadcasting Company, L.P., and Saga are the Joint Petitioners in the Counterproposal listed under RM No. 10663, as set forth in the Public Notice, Report No. 2599, released March 10, 2003.

hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Saga Broadcasting Corp.
73 Kercheval Ave., Suite 201
Grosse Point Farms, Michigan 48236
(Licensee of Station KAFE(FM))

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7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Media Bureau